

Chapter 17

Environmental Justice

This page intentionally left blank.

Chapter 17

Environmental Justice

This chapter analyzes the proposed action's potential effects related to environmental justice. *Environmental justice* embodies the concept that disadvantaged populations must not experience disproportionate adverse impacts as a result of any federal action. Disproportionate adverse impacts on minority and/or low-income populations are generally referred to as *environmental justice impacts* in this EIS/EIR.

The principal source of information used in the preparation of this chapter was

- current federal census data on demographics and income in the nine action area counties (U.S. Bureau of the Census 2000a, 2000b).

Related information is presented in Chapter 16 (*Socioeconomics*).

Affected Environment

Regulatory Framework

The concept of environmental justice is rooted in the Civil Rights Act of 1964, which prohibited discrimination in federally assisted programs, and in Executive Order 12898 (*Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations*), issued February 11, 1994. Executive Order 12898 was intended to ensure that federal actions and policies do not result in disproportionately high adverse effects on minority or low-income populations. It requires each federal agency to take “appropriate and necessary” steps to identify and address any such disproportionate effects resulting from its programs, policies, or activities, including those it implements directly, and those for which it provides permitting or funding. Additional guidance from the President’s Council on Environmental Quality (1997) clarifies that environmental justice concerns may arise from effects on the natural or physical environment that produce human health or ecological outcomes, or from adverse social or economic changes.

Environmental justice issues are mandated and regulated at the federal level, and compliance with NEPA requires analysis of environmental justice effects.

California does not require environmental justice analysis in documents prepared for CEQA compliance.

Existing Conditions

The U.S. Environmental Protection Agency's (EPA's) guidelines for incorporating environmental justice concerns into NEPA analyses identify an area with a *minority population* as one where the minority population constitutes more than 50% of the area's total population, or is "meaningfully greater" than the percentage in the surrounding region (e.g., census tract compared to city, city compared to county). A *minority* is defined as referring to the following population groups: American Indian/Alaskan Native, Asian or Pacific Islander, Black (non-Hispanic), and Hispanic (U.S. Environmental Protection Agency 1998). The federal government considers race and Hispanic or Latino origin to be separate, distinct concepts (U.S. Bureau of the Census 2001).

As shown in Tables 17-1a and 17-1b, Tulare County (50.8% Hispanic or Latino) is the only one of the nine counties where the population of an individual minority group makes up more than 50% of the county's total population. However, Fresno, Kern, Kings, Madera, and Merced Counties all have Hispanic or Latino percentages more than 18% larger than that of the state as a whole. All of the counties except Kings (8.3%) have a lower Black or African-American percentage than the state (6.7%), and all except San Joaquin (11.4%) have a lower Asian percentage than the state (10.9%). The counties all have a higher percentage of American Indians or Alaska Natives than the state (1.0%), particularly Mariposa (3.5%) and Madera (2.6%).

Table 17-1a. 2000 Census Data on Race in Action Area

County	Total Population	Race (Number of Individuals)							
		White	Black or African American	American Indian and Alaska Native	Asian	Native Hawaiian and Other Pacific Islander	Some Other Race	Two or More Races	Hispanic or Latino
California	33,871,648	20,170,059	2,263,882	333,346	3,697,513	116,961	5,682,241	1,607,646	10,966,556
Fresno	799,407	434,045	42,337	12,790	64,362	1,000	207,061	37,812	351,636
Kern	661,645	407,581	39,798	9,999	22,268	972	153,610	27,417	254,036
Kings	129,461	69,492	10,747	2,178	3,980	250	36,611	6,203	56,461
Madera	123,109	76,612	5,072	3,212	1,566	210	29,979	6,458	54,515
Mariposa	17,130	15,234	114	602	122	22	457	579	1,329
Merced	210,554	118,350	8,064	2,510	14,321	396	55,013	11,900	95,466
San Joaquin	563,598	327,607	37,689	6,377	64,283	1,955	91,613	34,074	172,073
Stanislaus	446,997	309,901	11,521	5,676	18,848	1,529	75,187	24,335	141,871
Tulare	368,021	213,751	5,852	5,737	12,018	408	113,317	16,938	186,846

Source: U.S. Bureau of the Census 2000a.

Table 17-1b. 2000 Census Data on Race in Action Area (Percentage)

County	Race (Percent)							
	White	Black or African-American	American Indian and Alaska Native	Asian	Native Hawaiian and Other Pacific Islander	Some Other Race	Two or More Races	Hispanic or Latino
California	59.5	6.7	1.0	10.9	0.3	16.8	4.7	32.4
Fresno	54.3	5.3	1.6	8.1	0.1	25.9	4.7	44.0
Kern	61.6	6.0	1.5	3.4	0.1	23.2	4.1	38.4
Kings	53.7	8.3	1.7	3.1	0.2	28.3	4.8	43.6
Madera	62.2	4.1	2.6	1.3	0.2	24.4	5.2	44.3
Mariposa	88.9	0.7	3.5	0.7	0.1	2.7	3.4	7.8
Merced	56.2	3.8	1.2	6.8	0.2	26.1	5.7	45.3
San Joaquin	58.1	6.7	1.1	11.4	0.3	16.3	6.0	30.5
Stanislaus	69.3	2.6	1.3	4.2	0.3	16.8	5.4	31.7
Tulare	58.1	1.6	1.6	3.3	0.1	30.8	4.6	50.8

Source: U.S. Bureau of the Census 2000a.

The EPA identifies an area as *low-income* if the low-income population is more than 50% of the area's total population, or is "meaningfully greater" than the percentage of low-income residents in the surrounding region. *Low-income* refers to households with an income below the federal poverty level (U.S. Environmental Protection Agency 1998).

As shown in Table 17-2, the nine counties all have lower median household incomes (\$33,983–41,282) and incomes per capita (\$14,006–18,190) than the state as a whole (\$47,793 and \$22,711, respectively). Also, except Mariposa County, by far the smallest county in the action area, the counties have higher percentages of families below the poverty line (12.3–18.8%) than the state as a whole (10.6%).

Table 17-2. 2000 Census Data on Income and Poverty Status in Study Area

County	Median Household Income, 1999 (Dollars)	Income Per Capita, 1999 (Dollars)	Families Below Poverty Level, 1999 (Percent)
California	47,793	22,711	10.6
Fresno	34,725	15,495	17.6
Kern	35,446	15,760	16.8
Kings	35,749	15,848	15.8
Madera	36,286	14,682	15.9
Mariposa	34,626	18,190	10.5
Merced	35,532	14,257	16.9
San Joaquin	41,282	17,365	13.5
Stanislaus	40,101	16,913	12.3

County	Median Household Income, 1999 (Dollars)	Income Per Capita, 1999 (Dollars)	Families Below Poverty Level, 1999 (Percent)
Tulare	33,983	14,006	18.8

Source: U.S. Bureau of the Census 2000b.

Environmental Consequences

Methodology for Analysis

Assessing whether the effects of resource impacts would be disproportionately high and adverse for minority or low-income populations involves

1. evaluating populations in the affected area to identify loci where minority and/or low income populations are concentrated, and then
2. assessing whether impacts on biological, physical, or social resources would affect these areas to a greater degree than neighboring regions.

Consistent with EPA guidance (U.S. Environmental Protection Agency 1998), this analysis addressed only adverse effects. For the purposes of this analysis, an environmental change was considered to represent an environmental justice concern if it would

- predominantly result in an adverse effect on a minority or low-income area as defined by the EPA; or
- result in an adverse effect on a minority or low-income area that is appreciably more severe or of greater magnitude than the adverse effect experienced by nonminority and/or non-low-income areas.

Because the proposed action and all of the action alternatives would be very similar from an environmental justice perspective, they are discussed together for brevity. The No Action Alternative is analyzed separately.

Environmental Justice Outcomes

Proposed Action and Action Alternatives

As discussed in *Existing Conditions* above, the population of Tulare County is slightly more than 50% Hispanic or Latino, so Tulare County as a whole qualifies as a minority area as defined by the EPA. In addition, all of the action area counties have a higher percentage of Native American residents than the state as a whole; Fresno, Kern, Kings, Madera, and Merced Counties have substantially greater percentages of Hispanic/Latino residents than the state; Kings County has a slightly higher percentage of Black or African-American residents than the state; and San Joaquin County has a slightly higher percentage of Asian residents

than the state. Most of these differences are small enough that they are unlikely to meet EPA's subjective criterion describing a population that is "meaningfully greater" than that of the surrounding region; thus, none of the other eight counties is considered to qualify as a minority area on a countywide scale. However, portions of each action area county are considered to meet the EPA criteria. In addition, all of the action area counties have median household and per capita incomes substantially below statewide figures, and all but Mariposa County have higher percentages of families below the poverty line. Thus, all nine of the action area counties qualify as low-income areas as defined by the EPA.

Because of these economic and demographic factors, almost any adverse effect associated with the proposed action or an action alternative has the potential to represent an environmental justice concern. The precise locations that would be affected by activities enabled under the proposed action and alternatives cannot be identified at this time, because O&M and minor construction are implemented on an as-needed basis over a broad geographic region. Thus, it would be speculative to identify the location, nature, or severity of specific environmental justice concerns. However, as discussed in Chapters 3 through 16 of this EIS/EIR, the lead agencies have concluded that potentially significant effects would be avoided or effectively mitigated by PG&E's existing environmental commitments (discussed in Chapter 2) and/or mitigation identified for individual resources in this EIS/EIR. Any residual effects, and hence any environmental justice concerns, are expected to be minor. Moreover, as described in Chapter 2, PG&E has an established companywide policy in place that requires the company to identify and address potential environmental justice concerns. This program would carry forward for all activities implemented under the proposed action.

In light of the analyses and mitigation measures presented in Chapters 3 through 16, and with PG&E's environmental justice program in place, effects related to environmental justice are expected to be minimal under the proposed action. The same would be true of the action alternatives, because impacts would be broadly similar in nature and severity under all action alternatives and the same mitigation strategies would apply; and PG&E's existing environmental justice program would remain in place under all action alternatives.

Alternative 4—No Action

As identified in the preceding section, all of the nine action area counties qualify as low-income areas under EPA criteria, Tulare County as a whole qualifies as a minority area, and portions of the other eight action area counties also qualify as minority areas. Consequently, as with the proposed action and action alternatives, any adverse effect incurred under the No Action Alternative has the potential to represent an environmental justice concern. However, PG&E's existing environmental justice program would remain in force under the No Action Alternative. Environmental justice impacts under the No Action Alternative, if any, are thus expected to be minimal, and would not require mitigation.

References Cited in this Chapter

- Council on Environmental Quality. 1997. *Environmental Justice: Guidance Under the National Environmental Policy Act*. Washington, DC: U.S. Government Printing Office.
- U.S. Bureau of the Census. 2000a. Census 2000 Summary File 1 (SF 1), 100-Percent Data, Quick Tables. *QT-P3: Race and Hispanic or Latino: 2000*. Data sets available at: <http://factfinder.census.gov/servlet/DatasetMainPageServlet?_program=DEC&_lang=en>. Accessed: November 1, 2004.
- _____. 2000b. Census 2000 Summary File 3 (SF 3), Sample Data, Quick Tables. *DP-3: Profile of Selected Economic Characteristics: 2000*. Available: <http://factfinder.census.gov/servlet/DatasetMainPageServlet?_program=DEC&_lang=en>. Accessed: November 1, 2004.
- _____. 2001. *Overview of Race and Hispanic Origin: Census 2000 Brief*. (C2KBR/01-1.) Issued March 2001. Written by Elizabeth M. Grieco and Rachel C. Cassidy.
- U.S. Environmental Protection Agency. 1998. *Final Guidance for Incorporating Environmental Justice Concerns in EPA's NEPA Compliance Analyses*. Washington, DC: U.S. Government Printing Office.